

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/644,052  
Confirmation No.: 4791  
Filed: August 19, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS  
Examiner: Nina Archie  
Art Unit: 1645

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: October 13, 2009

Signature:  (Sharon R. Lloyd)

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

No fee or certification is required.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
11/992,073	03-14-2008	Uhlmann et al.	*C1041.70049US01
11/992,080	03-14-2008	Bauer	*C1041.70052US01
11/992,627	03-26-2008	Jurk et al.	*C1041.70051US01
12/383,824	03-25-2009	Krieg et al.	*C1039.70048US27
12/429,380	04-24-2009	Weiner et al.	*C1039.70052US01
12/472,335	05-26-2009	Krieg	*C1037.70043US01
11/992,073	03-14-2008	Uhlmann et al.	*C1041.70049US01

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report or other communication from a corresponding International or Foreign National Application.

<u>Serial No.</u>	<u>Date of Mailing</u>	<u>Type(s) of Communication</u>	<u>Docket No.</u>
PCT/US03/25935	June 29, 2004	Invitation to Pay Additional Fees	C1037.70048WO00
PCT/US03/25935	April 14, 2005	Written Opinion	C1037.70048WO00
PCT/US03/25935	July 13, 2005	International Preliminary Examination Report	C1037.70048WO00

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



Helen C. Lockhart, Ph.D., Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70048US00  
Date: October 13, 2009  
xNDDx